

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	File Number EB-02-DL-530
	)	
EICB-TV, LLC	)	NAL/Acct. No.200432500005
Licensee of KUOT-CA in Oklahoma City, OK	)	
Cedar Hill, Texas	)	FRN 0004-5420-31
	)	

**NOTICE OF APPARENT LIABILITY FOR FORFEITURE**

**Released:** April 7, 2004

By the Enforcement Bureau, Dallas Office:

**I. INTRODUCTION**

1. In this Notice of Apparent Liability for Forfeiture (“NAL”), we find EICB-TV, LLC (“EICB”), licensee of KUOT-CA Class A television station, Oklahoma City, Oklahoma, apparently liable for a forfeiture in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 73.3526(c)(1) of the Commission's Rules (“Rules”).<sup>1</sup> Specifically, we find EICB-TV, LLC apparently liable for failure to make available for inspection all of the required material in the station’s public inspection file.

**II. BACKGROUND**

2. On September 9, 2002, the FCC Enforcement Bureau’s Dallas Field Office (“Dallas Office”) received a complaint alleging KKCC-LP<sup>2</sup> was not in compliance with the Commission’s Rules for Class A television stations.

3. On January 13 and 15, 2003, the Dallas Office received additional information alleging KKCC-LP had no studio as required by Class A rules, no employees in the Oklahoma City area, no records of children’s programming, no transmitter checks, and no logs.

4. On February 20, 2003, an agent from the Dallas Office inspected station KKCC-LP at its main studio located at Eagle Heights Church in Oklahoma City. The public file was incomplete in that the file was missing all required items except the station authorization and applications to the Commission.

---

<sup>1</sup> 47 C.F.R. § 73.3526(c)(1).

<sup>2</sup> KKCC-LP changed call sign to KUOT-CA on October 10, 2003. The station received Class A status on January 2, 2001.

5. On August 19, 2003, an agent from the Dallas Office inspected KKCC-LP's main studio at Eagle Heights Church in Oklahoma City. The public file was missing the issues/programs lists, records concerning commercial limits, must-carry or retransmission consent election, and Class A TV continuing eligibility.

### III. DISCUSSION

6. Section 73.3526(a)(2) of the Rules<sup>3</sup> requires that every permittee or licensee of a TV or Class A TV station in the commercial broadcast services maintain a public inspection file containing the material, relating to that station, described in paragraphs (e)(1) through (e)(10), (e)(11), (e)(13) and (e)(15) of this section. Section 73.3526(b) of the Rules<sup>4</sup> requires the public inspection file be maintained at the station's main studio. Section 73.3526(c)(1) of the Rules requires the file be available for public inspection at any time during regular business hours. On February 20, 2003 and August 19, 2003, the complete public inspection file material was not made available for inspection during regular business hours at the KUOT-CA (formerly KKCC-LP) main studio.

7. Based on the evidence before us, we find EICB willfully<sup>5</sup> and repeatedly<sup>6</sup> violated Section 73.3526(c)(1) of the Rules by failing to make available for inspection all of the required material in the station's public inspection file.

8. Pursuant to Section 1.80(b)(4) of the Rules,<sup>7</sup> the base forfeiture amount for violation of public file rules is \$10,000. In assessing the monetary forfeiture amount, we must also take into account the statutory factors set forth in Section 503(b)(2)(D) of the Communications Act of 1934, as amended ("Act"), which include the nature, circumstances, extent, and gravity of the violation, and with respect to the violator, the degree of culpability, any history of prior offenses, ability to pay, and other such matters as justice may require.<sup>8</sup> Considering the entire record and applying the factors listed above, this case warrants a \$10,000 forfeiture.

### IV. ORDERING CLAUSES

---

<sup>3</sup> 47 C.F.R. § 73.3526(a)(2).

<sup>4</sup> 47 C.F.R. § 73.3526(b).

<sup>5</sup> Section 312(f)(1) of the Act, 47 U.S.C. § 312(f)(1), which applies to violations for which forfeitures are assessed under Section 503(b) of the Act, provides that "[t]he term 'willful', when used with reference to the commission or omission of any act, means the conscious and deliberate commission or omission of such act, irrespective of any intent to violate any provision of this Act . . . ." See *Southern California Broadcasting Co.*, 6 FCC Rcd 4387-88 (1991).

<sup>6</sup> The term "repeated," when used with reference to the commission or omission of any act, "means the commission or omission of such act more than once or, if such commission or omission is continuous, for more than one day." 47 U.S.C. § 312(f)(2).

<sup>7</sup> 47 C.F.R. § 1.80(b)(4).

<sup>8</sup> 47 U.S.C. § 503(b)(2)(D).

9. Accordingly, IT IS ORDERED THAT, pursuant to Section 503(b) of the Act,<sup>9</sup> and Sections 0.111, 0.311 and 1.80 of the Rules,<sup>10</sup> EICB-TV, LLC is hereby NOTIFIED of this APPARENT LIABILITY FOR A FORFEITURE in the amount of ten thousand dollars (\$10,000) for willful and repeated violation of Section 73.3526(c)(1) of the Rules by failing to make available for inspection all of the required material in the station's public inspection file.

10. IT IS FURTHER ORDERED THAT, pursuant to Section 1.80 of the Rules, within thirty days of the release date of this NAL, EICB-TV, LLC SHALL PAY the full amount of the proposed forfeiture or SHALL FILE a written statement seeking reduction or cancellation of the proposed forfeiture.

11. Payment of the forfeiture may be made by mailing a check or similar instrument, payable to the order of the Federal Communications Commission, to the Forfeiture Collection Section, Finance Branch, Federal Communications Commission, P.O. Box 73482, Chicago, Illinois 60673-7482. The payment should note the NAL/Acct. No. and FRN referenced above. Requests for payment of the full amount of this NAL under an installment plan should be sent to: Chief, Revenue and Receivables Operations Group, 445 12th Street, S.W., Washington, D.C. 20554.<sup>11</sup>

12. The response, if any, must be mailed to Federal Communications Commission, Office of the Secretary, 445 12<sup>th</sup> Street SW, Washington DC 20554, Attn: Enforcement Bureau-Spectrum Enforcement Division and MUST INCLUDE THE NAL/Acct. No. referenced above.

13. The Commission will not consider reducing or canceling a forfeiture in response to a claim of inability to pay unless the petitioner submits: (1) federal tax returns for the most recent three-year period; (2) financial statements prepared according to generally accepted accounting practices ("GAAP"); or (3) some other reliable and objective documentation that accurately reflects the petitioner's current financial status. Any claim of inability to pay must specifically identify the basis for the claim by reference to the financial documentation submitted.

14. Under the Small Business Paperwork Relief Act of 2002, Pub L. No. 107-198, 116 Stat. 729 (June 28, 2002), the FCC is engaged in a two-year tracking process regarding the size of entities involved in forfeitures. If you qualify as a small entity and if you wish to be treated as a small entity for tracking purposes, please so certify to us within thirty (30) days of this NAL, either in your response to the NAL or in a separate filing to be sent to the Spectrum Enforcement Division. Your certification should indicate whether you, including your parent entity and its subsidiaries, meet one of the definitions set forth in the list provided by the FCC's Office of Communications Business Opportunities (OCBO) set forth in Attachment A of this Notice of Apparent Liability. This information will be used for tracking purposes only. Your response or failure to respond to this question will have no effect on your rights and responsibilities pursuant to Section 503(b) of the Communications Act. If you have questions regarding any of the information

---

<sup>9</sup> 47 U.S.C. § 503(b).

<sup>10</sup> 47 C.F.R. §§ 0.111, 0.311, 1.80.

<sup>11</sup> See 47 C.F.R. § 1.1914.

contained in Attachment A, please contact OCBO at (202) 418-0990.

15. IT IS FURTHER ORDERED THAT a copy of this NAL shall be sent by regular mail and Certified Mail Return Receipt Requested to EICB-TV, LLC, 406 Copeland Drive, Cedar Hill, Texas 75104.

FEDERAL COMMUNICATIONS COMMISSION

James D. Wells  
District Director, Dallas Office, Enforcement Bureau

Attachment